

a*55-10-4

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to the seizure and impoundment of certain vehicles used to commit the offense of driving under the influence of an intoxicant.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by adding a new subsection thereto, as follows:

() (1) In addition to the penalties prescribed by this section, the motor vehicle used in the commission of a violation of Section 55-10-401 is subject to seizure and impoundment.

(2) Except as provided in subdivision (6), upon the second conviction for violating Section 55-10-401, or for committing a comparable offense in another state, or a combination of in-state and out-of-state convictions, the motor vehicle shall be seized and impounded for twenty-eight (28) days.

(3) A motor vehicle seized and impounded by this act shall be taken into the custody of the police department or the sheriff, depending upon where the offense occurs. A police department or sheriff may employ its own personnel, equipment and facilities or hire persons, equipment, and facilities for the purpose of removing, preserving and storing vehicles seized and impounded pursuant to this subsection.

(4) A person claiming an impounded vehicle shall pay all costs reasonably associated with the impoundment, including towing, storage, and maintenance.

(5) If a vehicle is not claimed within thirty (30) days after the expiration of the impoundment, the vehicle shall be subject to disposal as an abandoned motor vehicle pursuant to title 55, chapter 16, part 1.

(6)(A) If the vehicle is titled in the name of one (1) or more person(s) who is not the offender, and the vehicle is not rented or leased by a person or company regularly in the business of renting or leasing vehicles or driven by an employee of the owner, the vehicle shall be impounded if the owner or co-owner knew of and consented to the illegal or intended illegal use of such vehicle;

(B) If the vehicle is titled in the name of a person or company which is in the business of renting or leasing vehicles, the vehicle shall be impounded if the renting or leasing agent knew of and consented to the illegal or intended illegal use; or

(C) If the vehicle is a commercial vehicle or common carrier and the offender is an employee of the owner, the vehicle shall be impounded if the employer knew of and consented to the illegal or intended illegal use.

(7) Any cargo or products transported by such vehicle not subject to confiscation under any laws of state or federal government shall not be subject to impoundment. Such cargo or products shall, upon request, immediately be made available for release to the owner or the transporting agent.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.